

SPEECH

IN DEFENCE OF AULUS LICINIUS ARCHIAS

IF there be any natural ability in me, O judges—and I know how slight that is; or if I have any practice as a speaker—and in that line I do not deny that I have some experience; or if I have any method in my oratory, drawn from my study of the liberal sciences, and from that careful training to which I admit that at no part of my life have I ever been disinclined; certainly, of all those qualities, this Aulus Licinius is entitled to be among the first to claim the benefit from me as his peculiar right. For as far as ever my mind can look back upon the space of time that is past, and recall the memory of its earliest youth, tracing my life from that starting-point, I see that Archias was the principal cause of my undertaking, and the principal means of my mastering, those studies. And if this voice of mine, formed by his encouragement and his precepts, has at times been the instrument of safety to others, undoubtedly we ought, as far as lies in our power, to help and save the very man from whom we have received that gift which has enabled us to bring help to many and salvation to some. And lest anyone should, perchance, marvel at this being said by me, as the chief of his ability consists in something else, and not in this system and practice of eloquence, he must be told that even we ourselves have never been wholly devoted to this study. In truth, all the arts which concern the civilizing and humanizing of men, have some link which binds them together, and are, as it were, cemented by some relationship to one another.

And, that it may not appear marvellous to any one of you, that I, in a formal proceeding like this, and in a regular court of justice, when an action is being tried before a prætor of the Roman people, a most eminent man, and before most impartial judges, before such an assembly and multitude of people as I see around

me, employ this style of speaking, which is at variance, not only with the ordinary usages of courts of justice, but with the general style of forensic pleading; I entreat you in this cause to grant me this indulgence, suitable to this defendant, and as I trust not disagreeable to you—the indulgence, namely, of allowing me, when speaking in defence of a most sublime poet and most learned man, before this concourse of highly educated citizens, before this most polite and accomplished assembly, and before such a prætor as him who is presiding at this trial, to enlarge with a little more freedom than usual on the study of polite literature and refined arts, and, speaking in the character of such a man as that, who, owing to the tranquillity of his life and the studies to which he has devoted himself, has but little experience of the dangers of a court of justice, to employ a new and unusual style of oratory. And if I feel that that indulgence is given and allowed me by you, I will soon cause you to think that this Aulus Licinius is a man who not only, now that he is a citizen, does not deserve to be expunged from the list of citizens, but that he is worthy, even if he were not one, of being now made a citizen.

For when first Archias grew out of childhood, and out of the studies of those arts by which young boys are gradually trained and refined, he devoted himself to the study of writing. First of all at Antioch (for he was born there, and was of high rank there), formerly an illustrious and wealthy city, and the seat of learned men and of liberal sciences; and there it was his lot speedily to show himself superior to all in ability and credit. Afterward, in the other parts of Asia, and over all Greece, his arrival was so talked of wherever he came, that the anxiety with which he was expected was even greater than the fame of his genius; but the admiration which he excited when he had arrived, exceeded even the anxiety with which he was expected. Italy was at that time full of Greek science and of Greek systems, and these studies were at that time cultivated in Latium with greater zeal than they now are in the same towns; and here, too, at Rome, on account of the tranquil state of the republic at that time, they were far from neglected. Therefore, the people of Tarentum, and Rhegium, and Neapolis, presented him with the freedom of the city and with other gifts; and all men who were capable of judging of genius thought him deserving of their ac-

quaintance and hospitality. When, from this great celebrity of his, he had become known to us though absent, he came to Rome, in the consulship of Marius and Catulus. It was his lot to have those men as his first consuls, the one of whom could supply him with the most illustrious achievements to write about, the other could give him, not only exploits to celebrate, but his ears and judicious attention. Immediately the Luculli, though Archias was as yet but a youth,¹ received him in their house. But it was not only to his genius and his learning, but also to his natural disposition and virtue, that it must be attributed that the house which was the first to be opened to him in his youth, is also the one in which he lives most familiarly in his old age. He at that time gained the affection of Quintus Metellus, that great man who was the conqueror of Numidia, and his son Pius. He was eagerly listened to by Marcus Æmilius; he associated with Quintus Catulus—both with the father and the sons. It was highly respected by Lucius Crassus; and as for the Luculli, and Drusus, and the Octavii, and Cato, and the whole family of the Hortensii, he was on terms of the greatest possible intimacy with all of them, and was held by them in the greatest honor. For, not only did everyone cultivate his acquaintance who wished to learn or to hear anything, but even everyone who pretended to have such a desire.

In the mean time, after a sufficiently long interval, having gone with Lucius Lucullus into Sicily, and having afterward departed from that province in the company of the same Lucullus, he came to Heraclea. And as that city was one which enjoyed all the rights of a confederate city to their full extent, he became desirous of being enrolled as a citizen of it. And, being thought deserving of such a favor for his own sake, when aided by the influence and authority of Lucullus, he easily obtained

¹ The Latin is *prætextatus*. Before he had exchanged the *prætexta* for the *toga virilis*. It has generally been thought that the age at which this exchange was made was seventeen, but Professor Long, the highest possible authority on all subjects of Latin literature, and especially on Roman law, says (Smith, *Dictionary of Antiquities*, v. *Impubes*), "The *toga virilis* was assumed at the *Liberalia* in the month of March; and though no age appears to have been positively fixed for the ceremony, it probably took place, as a general rule, on the feast which next followed the

completion of the fourteenth year, though it is certain that the completion of the fourteenth year was not always the time observed." Even supposing Archias to have been seventeen, it appears rather an early age for him to have established such a reputation as Cicero speaks of, and perhaps, as not being at that time a Roman citizen, he probably did not wear the *prætexta* at all; the expression is not to be taken literally, but we are merely to understand generally that he was quite a young man.

it from the Heracleans. The freedom of the city was given him in accordance with the provisions of the law of Silvanus and Carbo: "If any men had been enrolled as citizens of the confederate cities, and if, at the time that the law was passed, they had a residence in Italy, and if within sixty days they had made a return of themselves to the prætor." As he had now had a residence at Rome for many years, he returned himself as a citizen to the prætor, Quintus Metellus, his most intimate friend. If we have nothing else to speak about except the rights of citizenship and the law, I need say no more. The cause is over. For which of all these statements, O Gratus, can be invalidated? Will you deny that he was enrolled, at the time I speak of, as a citizen of Heraclea? There is a man present of the very highest authority, a most scrupulous and truthful man, Lucius Lucullus, who will tell you not that he thinks it, but that he knows it; not that he has heard of it, but that he saw it; not even that, he was present when it was done, but that he actually did it himself. Deputies from Heraclea are present, men of the highest rank; they have come expressly on account of this trial, with a commission from their city, and to give evidence on the part of their city; and they say that he was enrolled as a Heraclean. On this you ask for the public registers of the Heracleans, which we all know were destroyed in the Italian war, when the register-office was burned. It is ridiculous to say nothing to the proofs which we have, but to ask for proofs which it is impossible for us to have; to disregard the recollection of men, and to appeal to the memory of documents; and when you have the conscientious evidence of a most honorable man, the oath and good faith of a most respectable municipality, to reject those things which cannot by any possibility be tampered with, and to demand documentary evidence, though you say at the same moment that that is constantly played tricks with. "But he had no residence at Rome." What, not he who for so many years before the freedom of the city was given to him, had established the abode of all his property and fortunes at Rome? "But he did not return himself." Indeed he did, and in that return which alone obtains with the college of prætors the authority of a public document.

For as the returns of Appius were said to have been kept carelessly, and as the trifling conduct of Gabinius, before he was

convicted, and his misfortune after his condemnation, had taken away all credit from the public registers, Metellus, the most scrupulous and moderate of all men, was so careful, that he came to Lucius Lentulus, the prætor, and to the judges, and said that he was greatly vexed at an erasure which appeared in one name. In these documents, therefore, you will see no erasure affecting the name of Aulus Licinius. And as this is the case, what reason have you for doubting about his citizenship, especially as he was enrolled as a citizen of other cities also? In truth, as men in Greece were in the habit of giving rights of citizenship to many men of very ordinary qualifications, and endowed with no talents at all, or with very moderate ones, without any payment, it is likely, I suppose, that the Rhegians, and Locrians, and Neapolitans, and Tarentines should have been unwilling to give to this man, enjoying the highest possible reputation for genius, what they were in the habit of giving even to theatrical artists. What, when other men, who not only after the freedom of the city had been given, but even after the passing of the Papian law, crept somehow or other into the registers of those municipalities, shall he be rejected who does not avail himself of those other lists in which he is enrolled, because he always wished to be considered a Heracleian? You demand to see our own censor's returns. I suppose no one knows that at the time of the last census he was with that most illustrious general, Lucius Lucullus, with the army; that at the time of the preceding one he was with the same man when he was in Asia as quæstor; and that in the census before that, when Julius and Crassus were censors, no regular account of the people was taken. But, since the census does not confirm the right of citizenship, but only indicates that he, who is returned in the census, did at that time claim to be considered as a citizen, I say that, at that time, when you say, in your speech for the prosecution, that he did not even himself consider that he had any claim to the privileges of a Roman citizen, he more than once made a will according to our laws, and he entered upon inheritances left him by Roman citizens; and he was made honorable mention of by Lucius Lucullus, both as prætor and as consul, in the archives kept in the treasury.

You must rely wholly on what arguments you can find. For he will never be convicted either by his own opinion of his case, or by that which is formed of it by his friends.

You ask us, O Gratius, why we are so exceedingly attached to this man. Because he supplies us with food whereby our mind is refreshed after this noise in the forum, and with rest for our ears after they have been wearied with bad language. Do you think it possible that we could find a supply for our daily speeches, when discussing such a variety of matters, unless we were to cultivate our minds by the study of literature; or that our minds could bear being kept so constantly on the stretch if we did not relax them by that same study? But I confess that I am devoted to those studies; let others be ashamed of them if they have buried themselves in books without being able to produce anything out of them for the common advantage, or anything which may bear the eyes of men and the light. But why need I be ashamed, who for many years have lived in such a manner as never to allow my own love of tranquillity to deny me to the necessity or advantage of another, or my fondness for pleasure to distract, or even sleep to delay my attention to such claims? Who, then, can reproach me, or who has any right to be angry with me, if I allow myself as much time for the cultivation of these studies as some take for the performance of their own business, or for celebrating days of festival and games, or for other pleasures, or even for the rest and refreshment of mind and body, or as others devote to early banquets, to playing at dice, or at ball? And this ought to be permitted to me, because by these studies my power of speaking and those faculties are improved, which, as far as they do exist in me, have never been denied to my friends when they have been in peril. And if that ability appears to anyone to be but moderate, at all events I know whence I derive those principles which are of the greatest value. For if I had not persuaded myself from my youth upward, both by the precepts of many masters and by much reading, that there is nothing in life greatly to be desired, except praise and honor, and that while pursuing those things all tortures of the body, all dangers of death and banishment are to be considered but of small importance, I should never have exposed myself, in defence of your safety, to such numerous and arduous contests, and to these daily attacks of profligate men. But all books are full of such precepts, and all the sayings of philosophers, and all antiquity is full of precedents teaching the same lesson; but all these

things would lie buried in darkness, if the light of literature and learning were not applied to them. How many images of the bravest men, carefully elaborated, have both the Greek and Latin writers bequeathed to us, not merely for us to look at and gaze upon, but also for our imitation! And I, always keeping them before my eyes as examples for my own public conduct, have endeavored to model my mind and views by continually thinking of those excellent men.

Someone will ask, "What? were those identical great men, whose virtues have been recorded in books, accomplished in all that learning which you are extolling so highly?" It is difficult to assert this of all of them; but still I know what answer I can make to that question: I admit that many men have existed of admirable disposition and virtue, who, without learning, by the almost divine instinct of their own mere nature, have been, of their own accord, as it were, moderate and wise men. I even add this, that very often nature without learning has had more to do with leading men to credit and to virtue, than learning when not assisted by a good natural disposition. And I also contend, that when to an excellent and admirable natural disposition there is added a certain system and training of education, then from that combination arises an extraordinary perfection of character; such as is seen in that godlike man, whom our fathers saw in their time, Africanus; and in Caius Lælius and Lucius Furius, most virtuous and moderate men; and in that most excellent man, the most learned man of his time, Marcus Cato the elder; and all these men, if they had been to derive no assistance from literature in the cultivation and practice of virtue, would never have applied themselves to the study of it. Though, even if there were no such great advantage to be reaped from it, and if it were only pleasure that is sought from these studies, still I imagine you would consider it a most reasonable and liberal employment of the mind; for other occupations are not suited to every time, nor to every age or place; but these studies are the food of youth, the delight of old age; the ornament of prosperity, the refuge and comfort of adversity; a delight at home, and no hinderance abroad; they are companions by night, and in travel, and in the country.

And if we ourselves were not able to arrive at these advantages, nor even taste them with our senses, still we ought to

admire them, even when we saw them in others. Who of us was of so ignorant and brutal a disposition as not lately to be grieved at the death of Roscius? who, though he was an old man when he died, yet, on account of the excellence and beauty of his art, appeared to be one who on every account ought not to have died. Therefore, had he by the gestures of his body gained so much of our affections, and shall we disregard the incredible movements of the mind, and the rapid operations of genius? How often have I seen this man Archias, O judges (for I will take advantage of your kindness, since you listen to me so attentively while speaking in this unusual manner)—how often have I seen him, when he had not written a single word, repeat extempore a great number of admirable verses on the very events which were passing at the moment! How often have I seen him go back, and describe the same thing over again with an entire change of language and ideas! And what he wrote with care and with much thought, that I have seen admired to such a degree, as to equal the credit of even the writings of the ancients. Should not I, then, love this man? should I not admire him? should not I think it my duty to defend him in every possible way? And, indeed, we have constantly heard from men of the greatest eminence and learning, that the study of other sciences was made up of learning, and rules, and regular method; but that a poet was such by the unassisted work of nature, and was moved by the vigor of his own mind, and was inspired, as it were, by some divine wrath. Wherefore rightly does our own great Ennius call poets holy; because they seem to be recommended to us by some especial gift, as it were, and liberality of the gods. Let, then, judges, this name of poet, this name which no barbarians even have ever disregarded, be holy in your eyes, men of cultivated minds as you all are. Rocks and deserts reply to the poet's voice; savage beasts are often moved and arrested by song; and shall we, who have been trained in the pursuit of the most virtuous acts, refuse to be swayed by the voice of poets? The Colophonians say that Homer was their citizen; the Chians claim him as theirs; the Salaminians assert their right to him; but the men of Smyrna loudly assert him to be a citizen of Smyrna, and they have even raised a temple to him in their city. Many other places also fight with one another for the honor of being his birth-place.

They, then, claim a stranger, even after his death, because he was a poet; shall we reject this man while he is alive, a man who by his own inclination and by our laws does actually belong to us? especially when Archias has employed all his genius with the utmost zeal in celebrating the glory and renown of the Roman people? For when a young man, he touched on our wars against the Cimbri, and gained the favor even of Caius Marius himself, a man who was tolerably proof against this sort of study. For there was no one else so disinclined to the muses as not willingly to endure that the praise of his labors should be made immortal by means of verse. They say that the great Themistocles, the greatest man that Athens produced, said, when someone asked him what sound or whose voice he took the greatest delight in hearing, "The voice of that by whom his own exploits were best celebrated." Therefore, the great Marius was also exceedingly attached to Lucius Plotius, because he thought that the achievement which he had performed could be celebrated by his genius. And the whole Mithridatic War, great and difficult as it was, and carried on with so much diversity of fortune by land and sea, has been related at length by him; and the books in which that is sung of, not only make illustrious Lucius Lucullus, that most gallant and celebrated man, but they do honor also to the Roman people. For, while Lucullus was general, the Roman people opened Pontus, though it was defended both by the resources of the king and by the character of the country itself. Under the same general the army of the Roman people, with no very great numbers, routed the countless hosts of the Armenians. It is the glory of the Roman people that, by the wisdom of that same general, the city of the Cyzicenes, most friendly to us, was delivered and preserved from all the attacks of the kind, and from the very jaws, as it were, of the whole war. Ours is the glory which will be forever celebrated, which is derived from the fleet of the enemy which was sunk after its admirals had been slain, and from the marvellous naval battle off Tenedos; those trophies belong to us, those monuments are ours, those triumphs are ours. Therefore I say that the men by whose genius these exploits are celebrated make illustrious at the same time the glory of the Roman people. Our countryman, Ennius, was dear to the elder Africanus; and even on the tomb of the Scipios his

effigy is believed to be visible, carved in the marble. But undoubtedly it is not only the men who are themselves praised who are done honor to by those praises, but the name of the Roman people also is adorned by them. Cato, the ancestor of this Cato, is extolled to the skies. Great honor is paid to the exploits of the Roman people. Lastly, all those great men, the Maximi, the Marcelli, and the Fulvii, are done honor to, not without all of us having also a share in the panegyric.

Therefore our ancestors received the man who was the cause of all this, a man of Rudiaë, into their city as a citizen; and shall we reject from our city a man of Heraclea, a man sought by many cities, and made a citizen of ours by these very laws?

For if anyone thinks that there is a smaller gain of glory derived from Greek verses than from Latin ones, he is greatly mistaken, because Greek poetry is read among all nations, Latin is confined to its own natural limits, which are narrow enough. Wherefore, if those achievements which we have performed are limited only by the bounds of the whole world, we ought to desire that, wherever our vigor and our arms have penetrated, our glory and our fame should likewise extend. Because, as this is always an ample reward for those people whose achievements are the subject of writings, so especially is it the greatest inducement to encounter labors and dangers to all men who fight for themselves for the sake of glory. How many historians of his exploits is Alexander the Great said to have had with him; and he, when standing on Cape Sigeum at the grave of Achilles, said, "O happy youth, to find Homer as the panegyrist of your glory!" And he said the truth; for, if the Iliad had not existed the same tomb which covered his body would have also buried his renown. What, did not our own Magnus, whose valor has been equal to his fortune, present Theophanes the Mitylenæan, a relater of his actions, with the freedom of the city in an assembly of the soldiers? And those brave men, our countrymen, soldiers and country-bred men as they were, still being moved by the sweetness of glory, as if they were to some extent partakers of the same renown, showed their approbation of that action with a great shout. Therefore, I suppose if Archias were not a Roman citizen according to the laws, he could not have contrived to get presented with the freedom of the city by some general! Sylla, when he was giving it to the Spaniards and Gauls, would, I sup-

pose, have refused him if he had asked for it! a man whom we ourselves saw in the public assembly, when a bad poet of the common people had put a book in his hand, because he had made an epigram on him with every other verse too long, immediately ordered some of the things which he was selling at the moment to be given him as a reward, on condition of not writing anything more about him for the future. Would not he who thought the industry of a bad poet still worthy of some reward, have sought out the genius, and excellence, and copiousness in writing of this man? What more need I say? Could he not have obtained the freedom of the city from Quintus Metellus Pius, his own most intimate friend, who gave it to many men, either by his own request, or by the intervention of the Luculli? especially when Metellus was so anxious to have his own deeds celebrated in writing, that he gave his attention willingly to poets born even at Cordova, whose poetry had a very heavy and foreign flavor.

For this should not be concealed, which cannot possibly be kept in the dark, but it might be avowed openly: we are all influenced by a desire of praise, and the best men are the most especially attracted by glory. Those very philosophers even in the books which they write about despising glory, put their own names on the title-page. In the very act of recording their contempt for renown and notoriety, they desire to have their own names known and talked of. Decimus Brutus, that most excellent citizen and consummate general, adorned the approaches to his temples and monuments with the verses of Attius. And lately that great man Fulvius, who fought with the Ætolians, having Ennius for his companion, did not hesitate to devote the spoils of Mars to the muses. Wherefore, in a city in which generals, almost in arms, have paid respect to the name of poets and to the temples of the muses, these judges in the garb of peace ought not to act in a manner inconsistent with the honor of the muses and the safety of poets.

And that you may do that the more willingly, I will now reveal my own feelings to you, O judges, and I will make a confession to you of my own love of glory—too eager perhaps, but still honorable. For this man has in his verses touched upon and begun the celebration of the deeds which we in our consulship did in union with you, for the safety of this city and empire, and

in defence of the life of the citizens and of the whole republic. And when I had heard his commencement, because it appeared to me to be a great subject and at the same time an agreeable one. I encouraged him to complete his work. For virtue seeks no other reward for its labors and its dangers beyond that of praise and renown; and if that be denied to it, what reason is there, O judges, why in so small and brief a course of life as is allotted to us, we should impose such labors on ourselves? Certainly, if the mind had no anticipations of posterity, and if it were to confine all its thoughts within the same limits as those by which the space of our lives is bounded, it would neither break itself with such severe labors, nor would it be tormented with such cares and sleepless anxiety, nor would it so often have to fight for its very life. At present there is a certain virtue in every good man, which night and day stirs up the mind with the stimulus of glory, and reminds it that all mention of our name will not cease at the same time with our lives, but that our fame will endure to all posterity.

Do we all who are occupied in the affairs of the state, and who are surrounded by such perils and dangers in life, appear to be so narrow-minded, as, though to the last moment of our lives we have never passed one tranquil or easy moment, to think that everything will perish at the same time as ourselves? Ought we not, when many most illustrious men have with great care collected and left behind them statues and images, representations not of their minds but of their bodies, much more to desire to leave behind us a copy of our counsels and of our virtues, wrought and elaborated by the greatest genius? I thought, at the very moment of performing them, that I was scattering and disseminating all the deeds which I was performing, all over the world for the eternal recollection of nations. And whether that delight is to be denied to my soul after death, or whether, as the wisest men have thought, it will affect some portion of my spirit, at all events, I am at present delighted with some such idea and hope.

Preserve, then, O judges, a man of such virtue as that of Archias, which you see testified to you not only by the worth of his friends, but by the length of time during which they have been such to him; and of such genius as you ought to think is his, when you see that it has been sought by most illustrious

men. And his cause is one which is approved of by the benevolence of the law, by the authority of his municipality, by the testimony of Lucullus, and by the documentary evidence of Metellus. And as this is the case, we do entreat you, O judges, if there may be any weight attached, I will not say to human, but even to divine recommendation in such important matters, to receive under your protection that man who has at all times done honor to your generals and to the exploits of the Roman people—who even in these recent perils of our own, and in your domestic dangers, promises to give an eternal testimony of praise in our favor, and who forms one of that band of poets who have at all times and in all nations been considered and called holy, so that he may seem relieved by your humanity, rather than overwhelmed by your severity.

The things which, according to my custom, I have said briefly and simply, O judges, I trust have been approved by all of you. Those things which I have spoken, without regarding the habits of the forum or judicial usage, both concerning the genius of the man and my own zeal in his behalf, I trust have been received by you in good part. That they have been so by him who presides at this trial, I am quite certain.